

## SUMMARY OF ISSUES BY TOPIC

---

### NEPA

309 comments. Many of the comments under this topic identified what respondents called flaws in the DEIS. The Purpose statement was described as having two-parts, and all alternatives complied with one or the other of the two parts but not both. One part of the Purpose statement is to provide for free-roaming bison, but no alternative does this. Other alternatives fail to include the eradication of brucellosis in the bison and thus were said to fail to meet the second part of the Purpose statement (to address the risk of brucellosis transmission to protect the economic interest and viability of the livestock industry on the State of Montana). All alternatives include the killing of some bison, and without an alternative that does not kill bison, comments said a full range of alternatives has not been discussed. The No Action alternative was criticized as not a true no-action, but rather an existing management plan. Those comments said the no-action alternative should analyze conditions prior to any management plan. Comments also criticized the inclusion of the eradication of brucellosis in the Purpose and Need as a minor problem that was not in need of a multi-million dollar solution. Comments said the EIS should have discussed brucellosis in the elk population that intermingles with both bison and cattle. The scientific information concerning brucellosis was criticized as being either inadequate or biased in its presentation, and also, that the NAS report was largely ignored in the preparation of the alternatives. The use of a vaccine in bison was identified as an issue that should, itself, be subject to NEPA review.

The DEIS was criticized for segmenting the NEPA process (segmenting impacts from actions) by discussing potential effects on Montana cattle and leaving the discussion of effects on Idaho and Wyoming cattle for another, larger NEPA effort in the future. Comments said the impact analyses were flawed in that there was no alternative-by-alternative analysis of issues, and that the discussion of cumulative effects was inadequate. The question was asked why a 15-year implementation period was chosen and whether all alternatives could be implemented in the same time-frame. Other comments questioned whether some of the alternatives could be legally implemented as they required changes in rule or law of both state and federal agencies. Absent those changes in rule or law, the comments said the alternatives were not viable.

Several comments called for the preparation of a Supplemental EIS in order to present discussion of new alternatives that had been presented (Citizen's Plan, Bison alternative, Plan B, and others) as well as the need to include a "no cattle grazing" alternative. Related comments can be found in OBJECTIVES AND CONSTRAINTS and Alternatives/Issues - New/Other.

### Comment 1

"Nowhere in the DEIS is the need for a 'Bison Management Plan' clearly established. The need for action, as defined in this document appears to be based on a set of questionable and unproven assumptions...That some of the individuals in the free roaming, 'unmanaged' Yellowstone bison herd carry brucellosis, and that some of them may transmit the disease to domestic cattle; That such transmission, if left unchecked, would cause substantial economic harm to the Montana livestock industry; That the only solution to this 'problem' is a 'management plan' for the bison

herd, one structured to appease the narrow, self-serving interests of the Montana livestock industry.” - Individual, Lincoln, RI, YELL-10283.

## **Comment 2**

“None of these alternatives presented address your stated purpose. Your stated purpose is two-fold. The first part of your purpose is ‘to maintain a wild, free-ranging population of bison’. None of the alternatives you present do this. Your statement of purpose should be reworded. The first objective is fine as stated. It is, however, indicated above, obviously not being taken seriously by the agencies.” - Individual, Gardiner, MT, YELL-10682.

## **Comment 3**

“Your supposed ‘no action’ alternative is not a no action alternative. It is merely a continuation of the ‘interim plan’ which has a lot of action in it, including corralling, confining, and killing bison. Technically, and legally, your ‘no action’ alternative should be based on the status quo prior to the ‘interim plan’.” - Individual, Gardiner, MT, YELL-10682.

## **Comment 4**

“Full information must be disclosed in the DEIS to permit the public effectively participate in the NEPA process. Perhaps I have overlooked it, but I saw no reference to the fact that APHIS has sought and obtained appropriations (One million dollars) to construct a quarantine facility, and is currently seeking appropriations (\$500,000) to operate that facility, including funds to capture, test, and send bison to slaughter. This constitutes failure to disclose essential information. The agencies appear to be taking a series of actions which are outside the NEPA process while the public mistakenly believes it is part of the process. Appropriations to construct and operate a quarantine for Yellowstone bison prejudice the outcome of the public participation process, NEPA. No funds should have been sought or appropriated until a final decision was issued.” - Individual, Gardiner, MT, YELL-10682.

## **Comment 5**

“Were existing capture facilities approved through a NEPA document? The No action alternatives includes capture facilities. Were the development and operation of capture facilities inside Yellowstone National Park subjected to NEPA review within the interim operating plan? If not, it is unreasonable [to] grandfather the capture facilities into the No Action alternative.” - Tribe, Nez Perce Tribe, YELL-11409a.

## **Comment 6**

“Under the Council on Environmental Quality regulations implementing NEPA, related proposals must be considered for decision together in a single EIS when they are ‘connected actions’ or ‘cumulative actions.’...The team’s failure to review the cumulative impacts from other activities

in the local area is a breach of its duties under NEPA. The lack of a cumulative impacts analysis is by itself grounds for invalidating an agency's NEPA decision." - Organization, Sinapu, YELL-14540.

## **Comment 7**

"The DEIS does not evaluate the environmental consequences of developing and using a vaccine in Yellowstone bison. It does concede that additional NEPA compliance will be necessary before a vaccination program can begin but that analysis will focus on how, where, and when a vaccination program will be conducted, not on why. Indeed, the agencies are so focused on whether they can develop a vaccine and implement a vaccination program, they haven't evaluated whether they should. To avoid this controversial issue, which is clearly inconsistent with the natural regulation mandate of the Park, the agencies, including the NPS, have purposefully neglected providing any analysis of the alleged benefits and consequences of a vaccination program nor have they solicited public comment on this program....Not only is this a perfect example of the agencies predetermining the outcome of a process, but in this case they never even subjected the proposed use of a vaccine in bison to NEPA compliance or public comment." - Organization, Schubert & Associates for Fund for Animals, YELL-14714.

## **Comment 8**

"Even more blatant than these omissions is the failure of the agencies to properly evaluate the environmental impacts of quarantine and the proposed capture facilities in the DEIS. Instead of conducting this review, the agencies proposed to establish a quarantine facility, propose to establish multiple capture facilities, and even provide criteria for the placement of these facilities, but specify that the environmental impacts of the construction, location, and operation of these facilities will be addressed in separate documentation. The agencies claim that the actual location of the facilities has not been determined...If the agencies don't have that information or if they have not conducted the analysis, then those options should not be proposed or considered." "The proposed implementation of a vaccination program for bison is another example of illegal segmentation of environmental impacts. In this case, however, the agencies prematurely propose to use a vaccine on bison which is not presently available and may not be available for some time. If no vaccine is available, then the agencies should not have proposed a vaccination program in the DEIS since it is impossible to evaluate the environmental impacts of an unidentified vaccine..." - Organization, Schubert & Associates for Fund for Animals, YELL-14714.

## **Comment 9**

"First, the BRC is concerned that the alternatives coming from the Draft bison management may influence the alternatives in the just started 'Winter Use Plan and Environmental Impact Statement for Yellowstone and Grand Teton National Parks and the John D. Rockefeller, Jr. Memorial Parkway.' We feel the decisions made in the bison EIS should not affect the Winter Plan and if there is overlap the Winter Plan EIS should have the final say..." Organization, Blue Ribbon Coalition, YELL-14828.

## **Comment 10**

“The DEIS Fails to Properly Consider or Evaluate the Humaneness of its Proposed Action...The agencies have not developed or implemented any type of systematic and comprehensive monitoring program to attempt to accurately quantify or qualify the amount of cruelty associated with this program. Conveniently, the agencies rely on this lack of evidence to assume that cruelty is not occurring and to blindly continue to inhumanely treat these animals without any attempt to mitigate or prevent this cruelty. Fortunately, there is sufficient evidence, both direct and circumstantial, to document that the cruelty associated with the capture and slaughter program is significant. First, under state law the condition of animals arriving at slaughterhouses must be documented. These ante-mortem and postmortem inspection reports (Exhibit 13), obtained from the Montana Department of Livestock, clearly demonstrate that bison arriving at the slaughter facilities during the winter of 1996-97 suffered enormous cruelty during either capture, handling, or transportation. Broken ribs, gore wounds, broken bones, a punctured lung, and even bison who arrived dead at the slaughterhouse were reported on these reports. (The severity of these injuries clearly constitute animal cruelty which is prohibited under the Montana Cruelty Code {MCA para45-8-211 et. seq.}...” - Organization, Schubert and Associates for Fund for Animals, YELL- 14714.

## **Comment 11**

“Other allotments [grazing] are coming up soon for renewal or were recently renewed. Another is in ‘non-use’ (Lion Creek). Environmental Assessments (EAs) have been completed for some of the most recent renewals, but did not specifically address bison use of the lands, and potential conflicts between bison and cattle use of these lands. It is not sufficient to continue to rely on past EAs, if they even exist, since those analyses did not specifically consider bison conflicts. Given the slaughter of wild bison that has occurred in the past simply because bison try to use these National Forest lands, the Forest Service needs to evaluate all potential affected allotments north and west of the park as part of this EIS process...” - Organization, Greater Yellowstone Coalition, YELL-15420.

## **ALTERNATIVES**

### **Actions Common To All Alternatives**

11 comments. All alternatives, except alternative 1 (no action) employ control of population numbers in some manner and no alternatives involve a "no management" strategy. All alternatives define some form of boundary past which bison will not be allowed. All alternatives except alternative 2 utilize capture facilities. All alternatives except alternative 5 allow some bison outside the park and envision the creation of special management areas (SMAs). All alternatives include the suggested vaccination of cattle calves in higher risk areas. All alternatives envision the deaths of some bison. Some comments stated the alternative management plans were too narrowly focused on bison and the cattle industry and should more properly be focused on the sustainability of all resources in the park. One comment suggested the NPS should inventory the bison and declare them NPS property, which would then make it illegal to destroy them. Other

comments indicated that no activity should be allowed that degrades wilderness quality, especially capture and quarantine facilities.

### **Comment 1**

"In all alternatives, bison would be killed while occupying their historic range (DEIS p. 25). The fact that bison must be killed to arrive at a viable solution shows the flawed logic behind every alternative offered in the DEIS for the Interagency Bison Management Plan." - Individual, Raleigh, NC, YELL-5854

### **Comment 2**

"I find it appalling that a little over one thousand bison were shot during the severe winter of 1996-1997 for the crime of crossing out of Yellowstone because they were starving and foraging for food, when the herd only numbered 3,500. Vaccinating the surrounding cattle. You are studying seven different alternatives for management, although I hope you will consider suggestions that vary from the proposed plans. If not, I would urge you to choose alternative two - minimal management. And by discontinuing winter grooming of roads, the bison would be discouraged from exiting the Park." - Individual, Stuart, FL, YELL-9363.

### **Comment 3**

"This DEIS calls for a management plan, which if implemented will need to be reviewed on a continual basis. This DEIS should have a chapter developing an Adaptive Management Plan that will allow the interagency team, or a scientific advisory group, to review the outcome of the management plan. If this group finds that the outcome of the plan is not leading toward the desired goal, they should recommend corrective action, a form of adaptive management. This is too important an operation to leave the future to whim or uneducated evaluation of outcome. Today, most management plans of this magnitude all call for some form of long term monitoring and adaptive management. I suggest this be added to the Final EIS." Individual, Bozeman, MT, YELL-948.

### **Comment 4**

"About 18 months ago, NPCA spearheaded an effort called 'Bison Belong' to promote consensus over the Yellowstone bison controversy within the business community bordering the park. In just a few weeks, 250 local businesses had agreed to five principles regarding the issue. The points of agreement are: The wild bison is a symbol of the American West that must be protected; A healthy and wild Yellowstone bison herd contributes to the quality of experience of visiting the park, and is therefore crucial to the vitality of the Montana business community; (Participants) are firmly opposed to the unnecessary killing of wild bison and want an answer to the problem as soon as possible; State and Federal government must agree on suitable winter range on federal lands outside Yellowstone in Montana so that the wild bison herd centered in the park can roam safely into Montana during the winter season; The governor of Montana and federal officials must

find a solution to the bison dispute now.” Organization, National Parks and Conservation Society, YELL- 15367.

## **ADJUSTMENTS TO THE INTERIM MANAGEMENT PLAN (Alternative 1 - No Action)**

66 comments. Present capture/test/slaughter procedures would be maintained. Many comments urged the Park Service to select an alternative using various elements from the several alternatives, keeping certain elements and discarding others.

### **Comment 1**

“The Interim Bison Management Plan, currently in effect, has never submitted an Environmental Impact Statement on Yellowstone Bison Management and, instead, has permitted operating plans which resulted in the buffalo slaughter...” Tribe, Upper Sioux Community, YELL-14701.

### **Comment 2**

“Under alternatives which include a component equivalent to the interim plan (Alternative one and alternatives with a Phase 1), the agencies state that seronegative males and seronegative, non-pregnant females will be released on public lands. Although the plans allow for bison to be shot that cannot be captured, the estimates of bison removals under Alternative 1, for example, do not show any bison being shot. However, this is not an accurate reflection of what happened in the past under the interim plan, not what is likely to happen. The majority of bison were never captured and were consequently not tested, but were instead shot. In 199[6]-1997, the agencies shot 307 animals on the west side, and captured only 113. The public should expect similar responses in the future, and the DEIS should evaluate such a possibility, instead of assuming all bison will be captured and tested.” - Organization, Greater Yellowstone Coalition, YELL- 15420.

### **Comment 3**

“We are dismayed that the DEIS proposes the highly controversial interim plan as its NEPA-required No-action alternative. This is particularly disturbing because the No Action alternative would implement the Interim Plan without adopting the subsequent adjustments to the plan made in late 1997 which were issued in response to the plan’s unanticipated surpassing of the historical kill figure. It is disturbing that the DEIS considers the controversial and lethal interim plan as the No-action alternative given the NPS’s natural regulation mandate. The drafting team was aware from the public comment process on the EA that, with the exception of the Montana and Wyoming Stock Growers Associations, every single non-governmental organization that commented rejected alternative one (Interim Plan). Furthermore, the legality of the interim plan is currently being challenged. If it is found to be illegal, then we believe the DEIS must be rewritten to include a true No Action alternative and the interim plan must be deleted as an alternative.” - Organization, Defenders of Wildlife, YELL- 14980.

## **Comment 4**

“Alternative 1. Essentially, the no action alternative serves to adequately protect Montana livestock from economic devastation from brucellosis. It also serves to fairly adequately protect private property from damage. Please see, however, my discussion above regarding Eagle Creek/Bear Creek. I presume and would strongly recommend that essentially this alternative is to be the management scheme utilized until and unless a better alternative is adopted, and completely phased in. I would, however, add a quarantine facility to Alternative 1 as soon as possible.” - Congressional, Montana State Senator, YELL-15316.

## **ALTERNATIVES ELIMINATED FROM FURTHER CONSIDERATION**

40 comments. Chapter 2 of the DEIS described a number of alternatives that were considered but eliminated from further consideration. Some comments requested the justification for eliminating certain of the alternatives. Many comments requested that some of these alternatives be considered in the final EIS. Alternatives that were considered for the EIS but were eliminated from further consideration are listed below. A qualitative tally of requests for these alternatives is also provided with each alternative.

- Allow bison to exist without human interference. Six comments specifically requested this but tens of thousands said that buffalo should be able to roam freely.
- Allow native predatory animals to control the bison population. This alternative was requested in six comments.
- Control bison population numbers using current wildlife population control methods. No comments requested this alternative.
- Control or eradicate brucellosis in elk. 18 comments out of 740 total wanted brucellosis controlled in elk.
- Depopulate the entire Yellowstone bison herd and replace it with brucellosis-free bison. Two comments were received with this request.
- Fence the perimeter of Yellowstone National Park. Two comments requested this action.
- Provide supplemental forage for bison. 15 comments supported this action.
- Relocate bison to other public ranges or private lands. Fourteen comments requested live bison be distributed to other public or private lands, and the 47,780 supporters of the Citizen’s Plan also want live bison distributed instead of killed.
- Require cattle to be vaccinated for brucellosis. Requests to vaccinate cattle were in 325 comments and seven comments specifically opposed vaccinating cattle.
- Require livestock owners to stop raising cattle, to raise bison instead of cattle, or to graze only steers. 103 comments requested these changes in livestock operations, and one comment stated opposition.
- Restore bison to the Great Plains. Less than 10 comments stated this as an objective.
- Stop over-snow vehicle travel in Yellowstone National Park. 179 commentors wanted oversnow travel stopped while 777 comments supported continued winter travel.
- Use sterilization (neutering) as a means of controlling brucellosis in Yellowstone National Park. No comments were received specifically requesting use of this alternative.

However, less than 20 comments were received suggesting the use of sterilization for control of bison population numbers.

## **NEW / OTHER ALTERNATIVES**

55,801 comments. The issue for many commentors was whether the Park Service looked at a full range of alternatives, or whether minor revisions to alternatives presented in the draft EIS might make the alternatives better. New alternatives were proposed by the public. Many comments supported the "Citizen's Plan", "Plan B", or the "Bison Alternative". Additional alternatives from the public included the "USAHA Alternative" and "Alternative 8." Suggested revisions to alternatives included requiring ranchers to fence the cattle in, designation of a "migration corridor" to help bison reach other public lands, providing supplemental feed during 'hard' winters, subsidizing ranchers for vaccination of cattle against brucellosis, increasing landowner tolerance for free-ranging bison, and establishing SMAs adequate to handle migrating bison in severe winters but fencing the SMAs where bison tend to roam farther from the park. Some comments made specific changes to alternatives presented in the DEIS. Related comments can be found in the topics OBJECTIVES AND CONSTRAINTS, and NEPA.

### **Comment 1**

"The NEPA requires that the full range of reasonable alternative be addressed in the management plan. The seven alternatives presented in your Draft EIS do not represent the actual full range of reasonable alternatives. This is a serious omission which needs to be addressed in the final EIS. The first part of your stated purpose is to maintain wild, free-ranging population of bison. None of the alternatives presented do this. A free-ranging herd does not mean ear-tagged, corralled, or confined as it is proposed by many of the Draft EIS alternatives." Individual, Baltimore, MD, YELL-2122.

### **Comment 2**

"The DEIS states that the alternatives 'involve many unknowns and assumptions about future conditions and available tools to manage the bison population.' How can the public comment on the tools being used when its preferred alternative relies on 'unknowns' and assumptions?" Individual, Missoula, MT, YELL-15366.

## **CITIZEN'S PLAN ALTERNATIVE**

47,599 comments supported this alternative, and 29 opposed it. The Citizen's Plan alternative was formulated by a group of environmental and outdoor organizations and widely promoted by the National Wildlife Federation. The alternative has seven main points:

1. Create a large SMA outside the Park where bison can use public lands to survive harsh winters. Emphasize acquisition of key winter range lands or easements through public purchase from willing sellers.

2. Scientifically manage the Yellowstone Area's bison by placing wildlife professionals in charge of crucial decisions about wild bison and develop scientific bison population goals for the Park taking into account wintering populations outside the park.
3. Relocate bison to Indian reservations or public lands or use a regulated harvest, but only when science demonstrates that available land cannot support more bison. Bison that enter private lands could be captured and quarantined. Those that test negative for brucellosis could then be made available for reintroduction to tribal lands.
4. Implement vaccination of cattle within a "brucellosis management area" surrounding Yellowstone Park and the SMAs. A brucellosis vaccination program for bison inside the Park should be implemented once a vaccine that is proven safe and effective for wildlife is developed.
5. Work to compensate private landowners when natural bison migrations damage fences and other property.
6. Provide incentives to ranchers to modify livestock operations in ways that reduce contact between cattle and bison, and to provide winter foraging opportunities for bison outside the Park. Placing cattle on public lands should be postponed until bison have calved or have returned to the Park or other areas where grazing cattle is prohibited.
7. Determine whether Yellowstone winter road management practices encourage and assist bison migration. If so, identify viable alternatives to current policy.

The NWF submits that implementation of the Citizen's Plan alternative would be a humane solution to the shooting and slaughter of bison. The Citizen's Plan also includes "regulated harvest," i.e., hunting. As a result, the large numbers of comments supporting the Citizen's Plan were recorded as being in support of hunting.

### **Comment 1**

"I endorse the Citizen's Plan to Save Yellowstone Buffalo. I oppose the 'Preferred Alternative' recommended by the state of Montana and the federal government. Yellowstone's buffalo are too important to sacrifice. The Citizen's Plan to Save Buffalo will maintain wild, free-roaming buffalo and protect the interests of the livestock industry in a balanced, scientific manner. Please adopt this plan." - Individual, Millersville, PA, YELL-215.

### **Comment 2**

"I am absolutely opposed to the concept, promoted by the National Wildlife Federation (NWF) and the Montana Wildlife Federation...I hope my tax dollars are never used to purchase additional winter range to allow the bison herd to expand outside the park. I am not opposed to capturing the animals that wander from the Park and transporting them to Indian Reservations as long as all

of the costs for doing this is paid by the interested Tribes and providing the Tribes have a suitable management plan with sufficient land area. Anyone who can show a legitimate use for the bison and has the resources to remove them should be allowed the same privilege.” - Individual, Helena, MT, YELL-3860.

## **PLAN B ALTERNATIVE**

1,657 total comments; 1,518 comments supported this alternative and six opposed it. Alternative B was proposed by the Montana Ecology Center/Alliance for the Wild Rockies. There are nine main elements to the alternative, as described below:

1. Allow bison to roam freely within the Yellowstone ecosystem (with the few restrictions in this alternative until the herd is free of brucellosis).
2. Calculate the ecological carrying capacity for bison in areas outside the park (as is done for other species of wildlife) and manage the population outside the park to maintain these numbers.
3. Ensure that bison receive preference over livestock on public lands designated as “wildlife habitat”. If conflicts exist between wildlife and livestock, remove the livestock from these areas. Forest Service regulations state that livestock grazing should only be allowed on these lands if it does not interfere with wildlife. Therefore, if conflicts between the two exist, cattle, not bison, must go.
4. Offer compensation to persons incurring property damage as a result of free roaming bison. (Environmental groups should establish and administer this fund).
5. When a safe and effective brucellosis vaccine is available for bison, vaccinate the Yellowstone bison herd via dart or orally. (With annual vaccinations, the herd should be disease-free in approximately 15-20 years).
6. Implement the following five measures to minimize the risk of brucellosis transmission from bison to cattle during the interim period until the herd is brucellosis-free:
  - a) Limit existing grazing permits on public lands in the conflict zone to steers only or to other forms of livestock that do not carry brucellosis, or cancel the grazing permits, or offer the permittees alternative grazing elsewhere,
  - b) Require vaccination of cattle in the conflict zone with RB51 for brucellosis,
  - c) Offer ranchers currently grazing cattle on private lands in the conflict zone (14 such ranchers) compensation or other incentives not to raise cattle (or at least not cow-calves) on that land until the bison herd is brucellosis-free,
  - d) For those cattle operators who insist on keeping cow-calf operations instead of switching to steers or other forms of livestock and who will not accept compensation, haze those bison not classified by the federal government as “low-risk” away from those private lands, or fence those cattle to prevent contact with bison,
  - e) If necessary to ensure free

interstate trade, annually test the few cattle herds in the conflict zone to ensure they remain brucellosis-free (APHIS should pay for the testing as they do elsewhere.)

7. Urge Montana to accept the federal government's definition of "low risk" bison and allow these bison free movement like elk and other wildlife. "Low risk" bison are untested bulls, yearlings, calves, and cows that have previously given birth. All states except Montana have accepted this definition.
8. Urge all states to respect the brucellosis classification assigned to states by the federal government. Even though the federal government has classified Montana as "brucellosis free", a small number of states, without providing any scientific justification, have imposed sanctions restricting the import of Montana cattle. This is the key factor which has made the disease problematic for Montana.
9. Modify Montana's zero tolerance policy to one more consistent with modern disease management, i.e. adopt scientifically-based acceptable levels of risk. Insistence on zero risk is not appropriate in the case of brucellosis because it is not deadly and it does not have potentially devastating effects.

### **Comment 1**

"I support in its entirety what has become to be called Plan B, not any of the alternatives listed in the EIS. No corralling or confining of buffalo. Vaccination of cattle. Determining buffalo carrying capacity of GYE." - Individual, Missoula, MT, YELL-10256.

### **Comment 2**

"These plans, including the Citizen's Plan and Plan B, call for special management areas outside of Yellowstone Park in which bison should be allowed to roam. This is unacceptable to the thousands of cattle-ranching families throughout Montana, many of whom ranched just miles outside of Yellowstone's boundaries." - Organization, Montana Stockgrowers Assoc., YELL-14845.

### **Comment 3**

"Plan B offers the best chance for the bison. The last wild buffalo should be allowed to use the habitat of their ancestors. Cattle should be controlled and kept away from bison during calving time. Land and water fund monies could be allocated to purchase bison winter range for free roaming when conditions force the bison to move out of the park." - Individual, Olympia, WA, YELL-10433.

## **Comment 4**

“I endorse the Plan B approach to brucellosis management, which will: Maintain wild, free-roaming buffalo. Protect cattle against disease by vaccinating them with RB51 vaccine (estimated to be 70% effective). Reduce the prevalence of the disease in bison by vaccinating them (calves only) remotely (via dart) with a safe and effective brucellosis vaccine. Establish a compensation fund and offer the 9 ranchers with cattle on private lands in the area compensation to switch from cow-calf to steer-only operations or to other livestock that cannot contract or transmit brucellosis. Remove cattle from public lands in the zone of possible contact between cattle and bison. (There are about 1,000 cattle grazing on public lands in the area, contributing less than \$5,000 to the U.S. Treasury which is considerably less than the cost to administer the subsidized grazing program.) The cost for Plan B would only be \$3,000,000, a fraction of the cost of the Government Plan or the Citizen’s Plan.” - Individual, St. Paul, MN, YELL-11007.

## **BISON ALTERNATIVE**

4,832 comments supported the alternative and three opposed it. The Bison Alternative was proposed by The Fund for Animals in Silver Spring, Maryland. There are seven main elements to this alternative, as described below:

1. Immediately close Yellowstone National Park to snowmobile use and prohibit trail grooming.
2. Prohibit cattle grazing and permit unrestricted bison access to all public lands adjacent to western and northern borders of the Park.
3. Change cattle grazing practices on private lands - with compensation to affected ranchers - to reduce the potential risk of brucellosis transmission from bison to cattle, and acquire these lands, if and when available, as additional winter range for bison and other wildlife.
4. Increase landowner tolerance for free-ranging bison.
5. Do not vaccinate wild bison. Vaccination is impractical, prohibitively costly, wasteful, unnecessary, and ineffective.
6. Do not quarantine wild bison. Quarantine is impractical, prohibitively costly (from \$5,000 to \$13,000 per animal), wasteful, unnecessary, and ineffective. (Require the vaccination of cattle, not bison).
7. Do not reestablish a public hunt of bison in Montana. A bison hunt is unsporting, unethical, and entirely inconsistent with hunters’ concept of fair chase.

The Fund for Animals submits that if the Bison Alternative is fully implemented, there will be no need to subject bison to the inhumane practice of capture and slaughter, and therefore, no need to expend millions of dollars to construct and operate the capture facilities.

### **Comment 1**

“The Citizen’s Plan, Plan B, the Bison Plan, I mean those are great bison management plans, but they don’t cut to the quick, which is eradication of this disease in the Yellowstone Park bison herd.” - Organization, Montana Stockgrowers Association, YELL-14939.

### **Comment 2**

“Plan B is the most cost effective plan to achieve the objective of addressing the risk. It, unlike the other plans being considered, also achieves the first stated objective, which is to maintain a wild, free-roaming bison herd.” - Individual, Bozeman, MT, YELL-14943.

## **U.S. ANIMAL HEALTH ASSOCIATION ALTERNATIVE**

The USAHA submitted a modification of Alternative 6. The modification became known as the "cattlemen’s alternative" and was based on support of Alternative 6 in the DEIS but with 11 modifications, as described following. 18 comments were received in support of this alternative. Since it appears the alternative did not have widespread distribution outside the agriculture/veterinary community, no comments were received in opposition to the alternative.

1. Immediately devise and implement an RB51 calf and yearling vaccination program in YNP to evaluate delivery systems and gain practical vaccination field use data for RB51 vaccine in YNP bison. At the same time, continue to develop efficacy data.
2. Utilize empirical data from domestic bison herds and other public bison herds as the basis for implementation of adaptive management techniques (pp. 122, 123, NAS Report) for adult vaccination of bison with a reduced dose of RB51 until such time as efficacy studies on adult bison are completed. Such an effort should begin with seronegative adult females as they are processed through capture facilities. Computer modeling suggests that utilization of a vaccine, even one that has low to moderate efficacy, could significantly reduce the prevalence and risk of transmission of brucellosis in bison and elk populations.
3. The ten-year time line for Phase one should be reduced to a five-year time line. Within the five year period of time, there shall be an increased percentage of bison vaccinated annually, which should include adult vaccination. After year five, the standard used to measure risk reduction will be seroprevalence. If seroprevalence cannot be determined or remains the same, Phase two should begin immediately.
4. Eliminate the West Yellowstone SMA. Only negative-testing bison will be allowed west of Seven Mile Bridge. Bison approaching the west boundary must be captured or

destroyed by NPS personnel. Captured bison may be returned to the park interior or quarantined.

5. Reduce the proposed SMA on the north side of the park to the Little Trail Creek/Eagle Creek Area. We are strongly opposed to the establishment of any SMAs in Montana, however, we can accept this reduced SMA because of its designation as wildlife habitat since its acquisition in the late 1980s.
6. Bison hunting could be allowed in the Little Trail Creek/Eagle Creek SMA should the State of Montana legislature approve bison hunting. We are not opposed to hunting, but are opposed to the promise of a bison hunt as a guise to gain approval for SMAs.
7. Establish up to eight capture facilities throughout YNP as described in the original alternative 6.
8. Utilize an approved quarantine facility for seronegative bison captured at Seven Mile Bridge and Stevens Creek. A quarantine facility should be constructed and put into operation as soon as possible to be an effective alternative to destruction of seronegative bison. Several possible locations are close to the bison herds so transportation and stress to the animals could be kept to a minimum.
9. The alleged "major adverse effect" on the nesting pair of Trumpeter swans at Seven Mile Bridge could be mitigated allowing the establishment of a capture facility.
10. The potential "adverse effect" on grizzly bears that might be caused by the reduction in carrion available to bears in Phase two of the alternative could be mitigated by providing seropositive bison captured during Phase two to the bears. Rather than send all seropositive animals to slaughter, some animals could be destroyed and placed in the same areas that bears have grown accustomed to finding bison carrion.
11. Bison population objectives for alternative 6 are based upon estimates of removals through intrusive management. The population size is not in any way based on a scientific evaluation of the capacity of the ranges of YNP to support the population. We strongly recommend that the bison population be kept to a maximum of 1,800 head until such time as scientifically valid research is conducted, by non-partisan range management experts, to prove that YNP has the capacity to sustain larger populations of bison and other ungulates.

Alternative 6 with the foregoing amendments could be implemented without change to existing state and federal laws and regulations. We believe this amended alternative fulfills the purpose of action and fulfills each of the nine state objectives of the DEIS.

## **Comment 1**

“I have reviewed the United States Animal Health Association (USAHA) comments on the Draft Environmental Impact Statement for the Interagency Bison Management Plan for the state of Montana and Yellowstone National Park. I support these comments including the statement that none of the proposed alternatives are acceptable as written. I recommend alternative 6 with alterations as proposed by the USAHA as the preferred alternative of the seven alternatives included in the DEIS.” - Public Agency, State of VT Dept. of Agriculture, Food & Markets, YELL-7485.

## **ALTERNATIVE 8**

The Fort Belknap Indian Community Tribal Government, representing the Assiniboiné and the Gros Ventre Tribes of the Fort Belknap Indian Reservation submitted comments which they identified as Alternative 8.

The Fort Belknap Indian Community Tribal Government strongly believes the Buffalo must remain free-ranging and retain their wildlife status. They also assert that Buffalo that are under the control and management of the United States Government and their Agencies/Departments are a trust asset of Indian tribes in accordance with the treaties and subsequent Acts of Congress and Executive Orders. They also strongly oppose the indiscriminate slaughter of the Buffalo and commercialization through auction of the carcass, heads, and hides and other parts to the “highest bidder.” They also strongly oppose the commercialization of “fair chase hunt” as a part of the management requirements of the State of Montana. Due to the limited distribution of Alternative 8, no comments were received either in support of, or in opposition to, this alternative.

### **Alternative 8**

Buffalo are a trust resource for the citizens of the United States of America and throughout the world. Buffalo have a special spiritual, economic, and social place in the hearts, minds, body, and soul of the various Indian Nations (Tribes) as established by Treaties, Acts of Congress, and Executive Orders of the United States Government.

The information and data as set out in the Draft EIS is incorporated into this alternative in part. The following points are to be inserted into the appropriate language for approval:

1. Buffalo are to remain wild free ranging wildlife under the jurisdiction, where-so-ever located, of the National Fish and Wildlife Service, with concurrent jurisdiction of the National park Service, with meaningful consultation with Indian Tribal Governments and/or their representatives.
2. Buffalo shall be allowed to utilize public lands outside Yellowstone National Park within broadly defined Special Management Areas. Where use by Buffalo may be in competition

with domestic livestock, the needs of the Buffalo shall take precedence. Livestock may continue to utilize public lands in accordance with modified permit processes.

3. Buffalo population goals must be established for the Yellowstone herd that are based upon science, not politics. The populations should be based on habitat within the Park, SMA's and any future lands acquired for buffalo use.
4. Acquisition of additional Federal, State and/or Private lands for winter range and key migration routes outside the Park, including the Church Universal Triumphant (CUT) properties is a priority. NPS shall work with private landowners on a "willing seller basis" to acquire additional lands or easements and shall offer incentives to landowners to change/modify livestock operations on any and all Federal and/or State and/or Private lands which may be required to accomplish the goal of maintaining a wild free ranging Buffalo population.
5. Where there is a potential conflict between domestic livestock and buffalo, adjustments will be made to domestic livestock grazing allotments and grazing times on public lands required to accomplish the goal and to reduce or eliminate contact between buffalo and domestic livestock.
6. All domestic cattle, and possibly horses, shall be vaccinated within the SMA's at no expense to the livestock producer.
7. Implement a "live removal" option for buffalo with a mandate to work with Tribal Governments and ITBC to implement a "relocation" program in accordance with a protocol to be developed. The "live removal" option would be of the highest priority in accordance with the following procedures:
  - a. Within 18 months, a "capture facility or facilities" will be constructed at appropriate location(s) to capture Buffalo.
  - b. All Buffalo will be tested for brucellosis in accordance with the latest technology available in accordance with Appendix B: Quarantine Protocol for Bison.
8. Any animal not eligible for "live removal" will be separated and confined to a "holding facility." Indian Tribal Governments will be notified of the numbers and class of animals within the "holding facility" and be offered first preference to utilize the animal to meet their needs. Any animal which is not eligible for "live removal" must be "taken down" within or near to the "holding facility." In the event no Tribal Government is able to take the animal, the ITBC will be contacted for identification of other eligible individuals to take the animals.
9. Any animal which is eligible for "live removal" shall be coordinated with ITBC for procedures and priority of distribution.

10. Where possible, sero-positive buffalo shall be used for the research on brucellosis rather than slaughter. In the event an animal is not suitable for research, disposition of the animal shall be in accordance with #8.